

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID NELSON,

Defendant.

ORDER

03-cr-175-bbc
10-cv-61-bbc

Defendant David Nelson has filed a motion under Fed. R. Civ. P. 60(b), asking for relief from the court's order entered February 12, 2010 order and the February 16, 2010 judgment denying his § 2255 motion to vacate his sentence. The motion must be denied. Defendant filed a notice of appeal of the February 12, 2010 order. The filing of that notice deprives this court of jurisdiction over any substantive aspects of his § 2255 motion.

If I were inclined to grant defendant's motion, I could ask the court of appeals to remand the matter to this court to allow me to make changes in the order. I am not so inclined. Defendant's motion for reconsideration is a rehash of the same arguments he raised in his original motion and that were addressed in the February 12, 2010 order.

ORDER

IT IS ORDERED that defendant David Nelson's motion under Fed. R. Civ. P. 60(b) is DENIED for lack of jurisdiction.

Entered this 30th day of June, 2010.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge